

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ZAVIUS AVERETTE, #217 905

*

Plaintiff,

*

v.

*

2:06-CV-399-MHT
(WO)

LT. WILLIE COPELAND, *et al.*,

*

Defendants.

*

ORDER

On June 5, 2006 (doc. no. 5), the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, which is hereby ADOPTED, it is

ORDERED that:

1. Plaintiff's complaint against Defendants Nobles, Nabb, Browning, Davis, Campbell, Edwards, Bivine, and Richie is DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B);

2. That Defendants Nobles, Nabb, Browning, Davis, Campbell, Edwards, Bivine, and Richie are DISMISSED as parties to the complaint; and

3. This case with respect to the remaining defendants be referred back to the Magistrate Judge for further proceedings.

Done this the 28th day of July, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE